

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

MCAFEE, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

No. 2:12-CV-59-JRG-RSP

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff TQP Development, LLC and defendant McAfee, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims between them in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled “**AGREEMENT**” and dated June 19, 2013, with each party to bear its own costs, expenses and attorneys’ fees.

Dated: July 8, 2013

Respectfully Submitted,

ATTORNEYS FOR PLAINTIFF TQP DEVELOPMENT, LLC	ATTORNEYS FOR DEFENDANT MCAFEE, INC.
<u>/s/ Paul A. Kroeger</u> Andrew W. Spangler State Bar No. 24041960 Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403 Email: spangler@sfipfirm.com	<u>/s/ Robert M. Parker</u> Robert M. Parker State Bar No. 15498000 Robert Christopher Bunt State Bar No. 00787165 Charles Ainsworth State Bar No. 00783521 Andrew T. Gorham State Bar No. 24012715 PARKER, BUNT & AINSWORTH, P.C.

<p>James A. Fussell, III AR State Bar No. 2003193 Spangler & Fussell P.C. 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403 Email: fussell@sfipfirm.com</p> <p>Marc Fenster Email: mfenster@raklaw.com Adam Hoffman Email: ahoffman@raklaw.com Alexander Giza Email: agiza@raklaw.com Kevin Burke Email: kburke@raklaw.com Paul A. Kroeger Email: Pkroeger@raklaw.com Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 310-826-7474 Fax: 310-826-6991</p>	<p>100 E. Ferguson, Suite 1114 Tyler, Texas 75702 903/531-3535 903/533-9687 - Facsimile E-mail: rmparker@pbatyler.com E-mail: rcbunt@pbatyler.com E-mail: charley@pbatyler.com E-mail: tgorham@pbatyler.com</p> <p>Harry L. Gillam, Jr. GILLAM & SMITH 303 S. Washington Avenue Marshall, Texas 75670 Tel. 903/934-8450 Fax 903/934-9257 Email: gil@gillamsmithlaw.com</p> <p>Adam R. Alper (admitted pro hac vice) Sarah E. Piepmeier (admitted pro hac vice) KIRKLAND & ELLIS LLP 555 California Street, Suite 2700 San Francisco, CA 94104 Tel: 415/439-1400 Fax: 415/439-1500 Email: adam.alper@kirkland.com Email: sarah.piepmeier@kirkland.com</p>
--	--

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Paul A. Kroeger

Paul A. Kroeger

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant do not oppose the relief sought.

Dated: July 9, 2013

/s/ Paul A. Kroeger

Paul A. Kroeger